

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X		
SHARIF KING,	:	
	:	
Plaintiff,	:	
	:	21-cv-6945 (VSB)
-against-	:	
	:	<b><u>ORDER</u></b>
THE CITY OF NEW YORK, et al.,	:	
	:	
Defendants.	:	
	:	
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VERNON S. BRODERICK, United States District Judge:

I am in receipt of pro se Plaintiff's email dated March 13, 2022, attached as Exhibit A to this Order, in which Plaintiff seeks (1) an order directing the Superintendent of the Five Points Correctional Facility to produce Plaintiff for his upcoming depositions, provide Plaintiff with materials for the depositions, and provide Plaintiff with a notary officer for the oath; and (2) an order directing Defendants to present themselves for their depositions, to prohibit anyone besides counsel to be present during the depositions, and to call the Five Points Correctional Facility to facilitate the depositions. (Ex. A.) It is hereby:

ORDERED that Defendants make an attempt to meet and confer with Plaintiff to reach an agreement as to details of the depositions and submit a joint letter of no more than three (3) pages on or before March 21, 2022 stating their agreed-upon conditions for the upcoming depositions. To the extent the parties are unable to reach an agreement on certain details and/or conditions, Defendants are directed to submit a letter of no more than three (3) pages on that same date outlining the details and/or conditions in dispute.

The Clerk of Court is respectfully directed to mail a copy of this Order to the pro se

Plaintiff.

SO ORDERED.

Dated: March 14, 2022

New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive style with a horizontal line underneath the name.

Vernon S. Broderick

United States District Judge

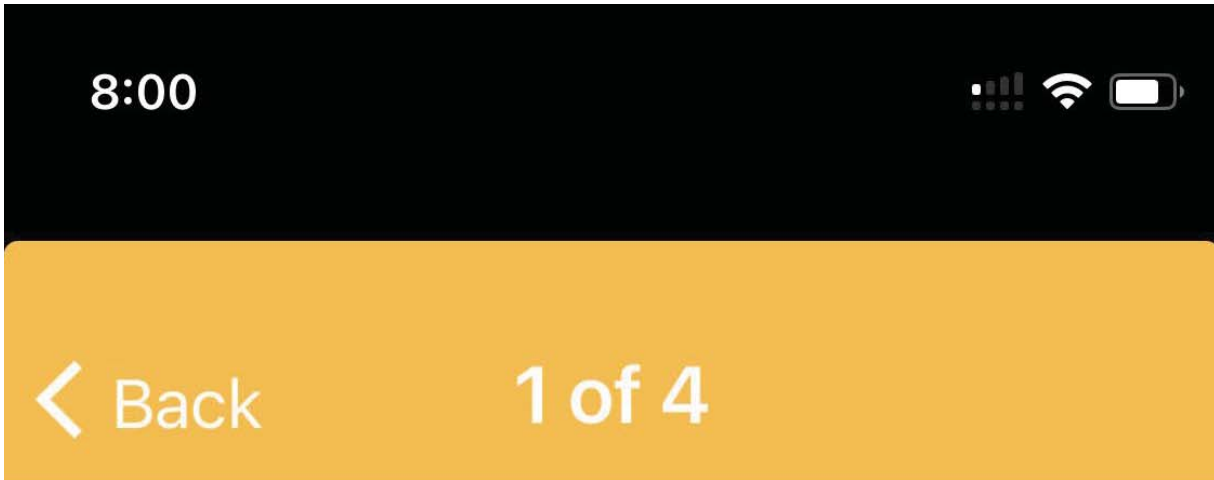
**EXHIBIT A**

From: [Sharif King](#)  
To: [Broderick NYSD Chambers](#)  
Subject: King V City of New York 21-CV-6945  
Date: Sunday, March 13, 2022 8:05:49 PM

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**CAUTION - EXTERNAL:**

See the attachment below



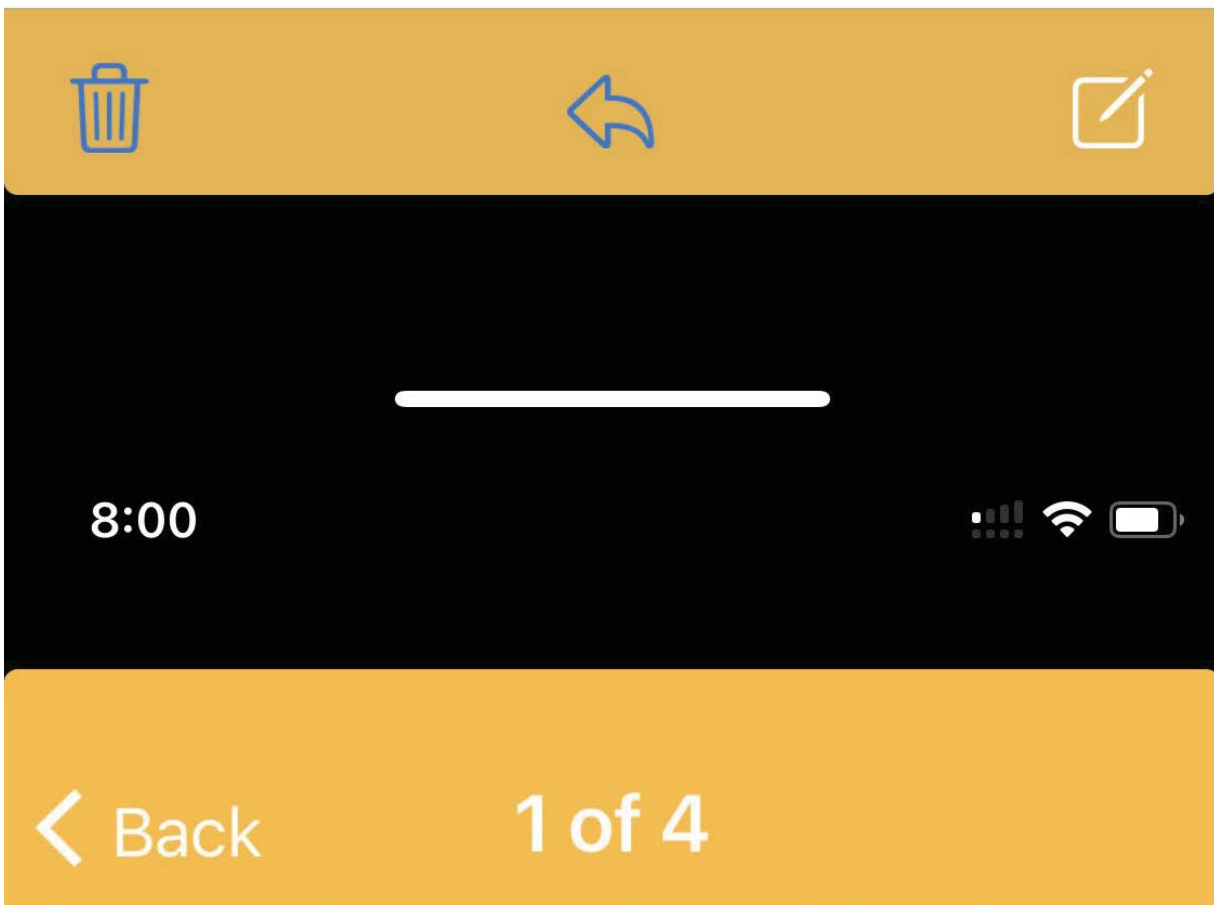
Friday March 11, 2022

Hon. Vernon S. Broderick  
United States District Court  
500 Pearl Street  
New York, NY 10007  
Re: King v. City of New York et al. 21-  
CV-6945

Your Honor:

I am the plaintiff in the above captioned matter and write the court requesting an order to produce and other stipulations in order to depose the Defendants. While I

order to depose the Defendants. While I recognize that pro se litigants are typically required to file their submissions with the court by mail, I am an indigent litigant and my next opportunity to receive stamps would prevent me from submitting this letter form motion in time for the court to consider it and grant the requested relief.



By way of background, Plaintiff noticed Defense counsel by email on or about February 20, 2022 that plaintiff sought to depose the defendants from March 21

depose the defendants from March 21, 2022 through March 24, 2022 by telephone.

On March 10th 2022, plaintiff deposited in the outgoing mailbox at Five Points Correctional Facility, amended deposition notices addressed to defense counsel, changing the date, time and manner of the depositions. As listed in the amended deposition notices, plaintiff seeks to depose the defendants according to the following schedule and in the following manner:

Plaintiff seeks to depose Defendant Malcolm on March 28th, 2022 from 10:30 a.m. until 1:00 p.m.

Plaintiff seeks to depose Defendant Kimberly Persaud on March 28th, 2022



8:00



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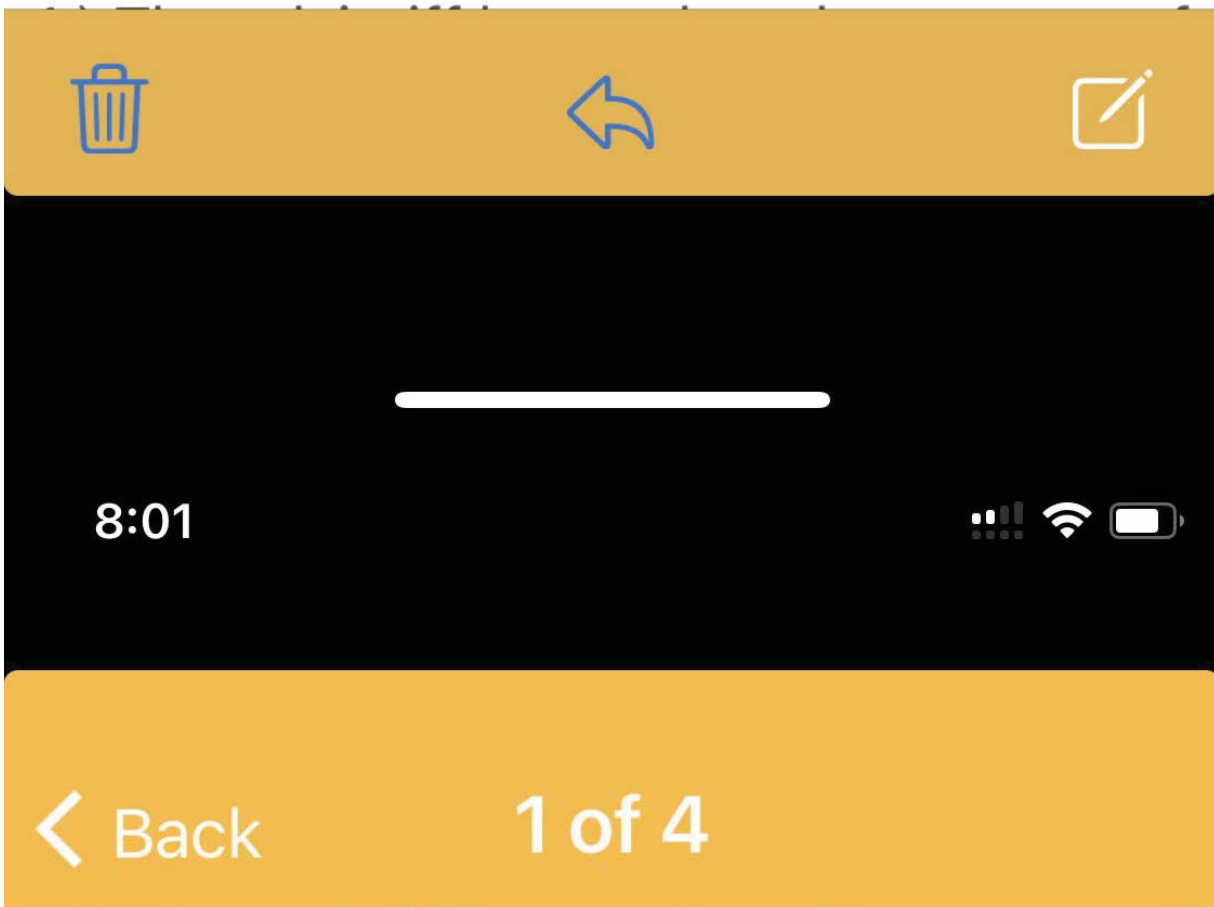
Plaintiff seeks to depose Defendant Kimberly Persaud on March 28th, 2022 from 1:30 p.m. until 3:00 p.m.

Plaintiff seeks to depose Defendant City of New York on March 29th, 2022 from 10:30 a.m. until 12:00 p.m.

Plaintiff seeks to depose Defendant Yesenia Gonzalez on March 29th, 2022 from 12:30 p.m. until 3:30 p.m.

As plaintiff is a pro se incarcerated litigant, plaintiff seeks to depose these defendants by telephone from his place of incarceration as is permitted by the Federal Rules of Civil Procedure.

Plaintiff therefore seeks an order addressed to the Superintendent of the Five Points Correctional Facility requiring the following:



1.) That plaintiff be produced to an area of Five Points Correctional Facility equipped with a telephone with speakerphone capability on the following dates and times:

March 28th, 2022 from 10:00 a.m. until



MARCH 28TH, 2022 FROM 10:00 a.m. until  
3:00 p.m.

March 29th, 2022 from 10:00 a.m. until  
3:00 p.m.

2.) That the Superintendent provide plaintiff on each date, a tape recorder and three (3) blank cassette tapes each capable of recording at least 60 minutes as well as blank labels with which plaintiff may label each deposition tape.

Plaintiff submits that such an order would not be burdensome or a hardship to Five Points officials as the requested tape recorder, cassettes and labels are maintained at the facility as part of their



8:01







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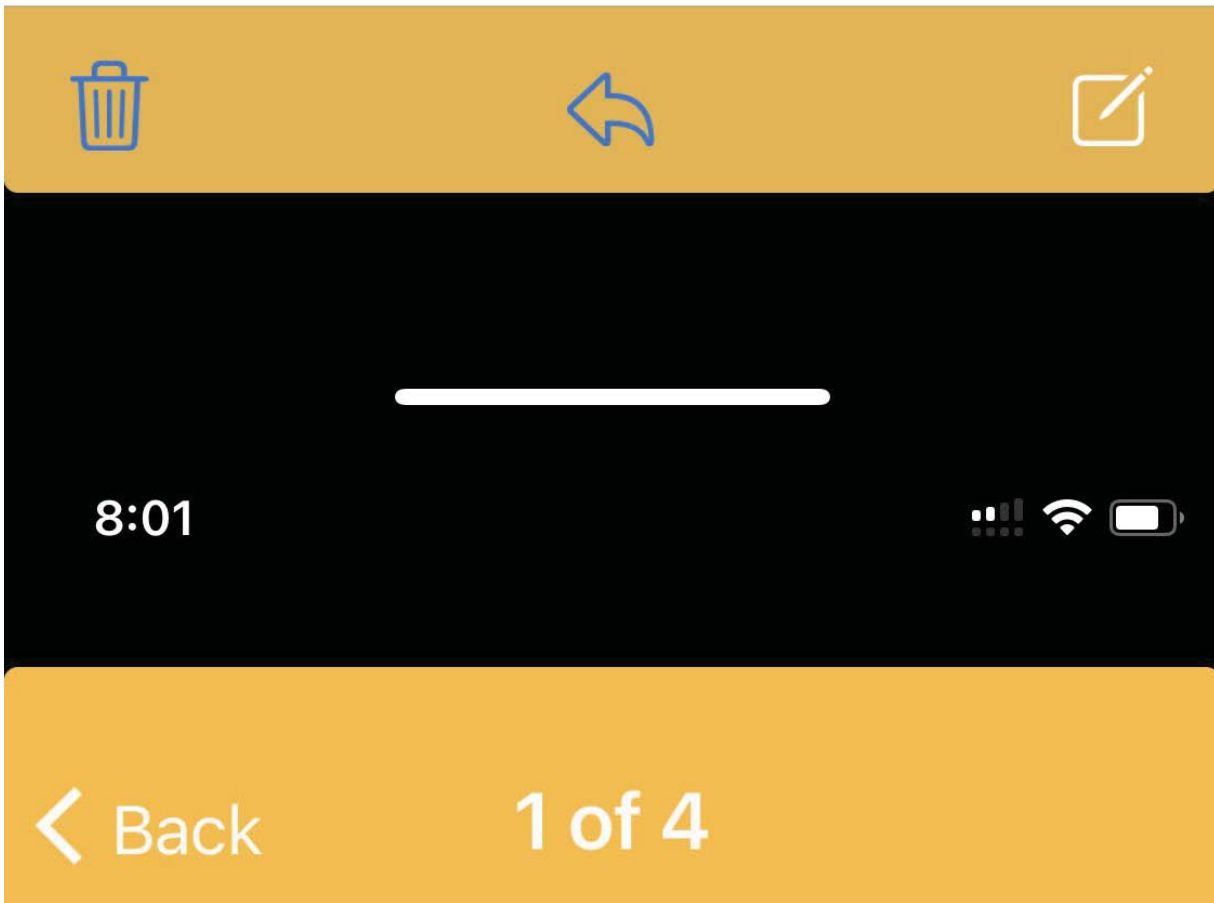
maintained at the facility as part of their normal course of operations for recording disciplinary and other hearings.

Additionally, New York State Department of Corrections and Community Supervision Directives 4911 and permit inmates to possess cassette tapes and as such, plaintiffs possession of the deposition tapes following the depositions, would not violate the policies at plaintiffs place of incarceration or pose any security risk.

3.) That the "notary officer" or other person at Five Points authorized by law to take an oath be made available on each of the above dates and times for the purposes of performing the

Plaintiff submits that Five Points has

myriad officials capable of performing this task and who do so as part of their regular course of operations.



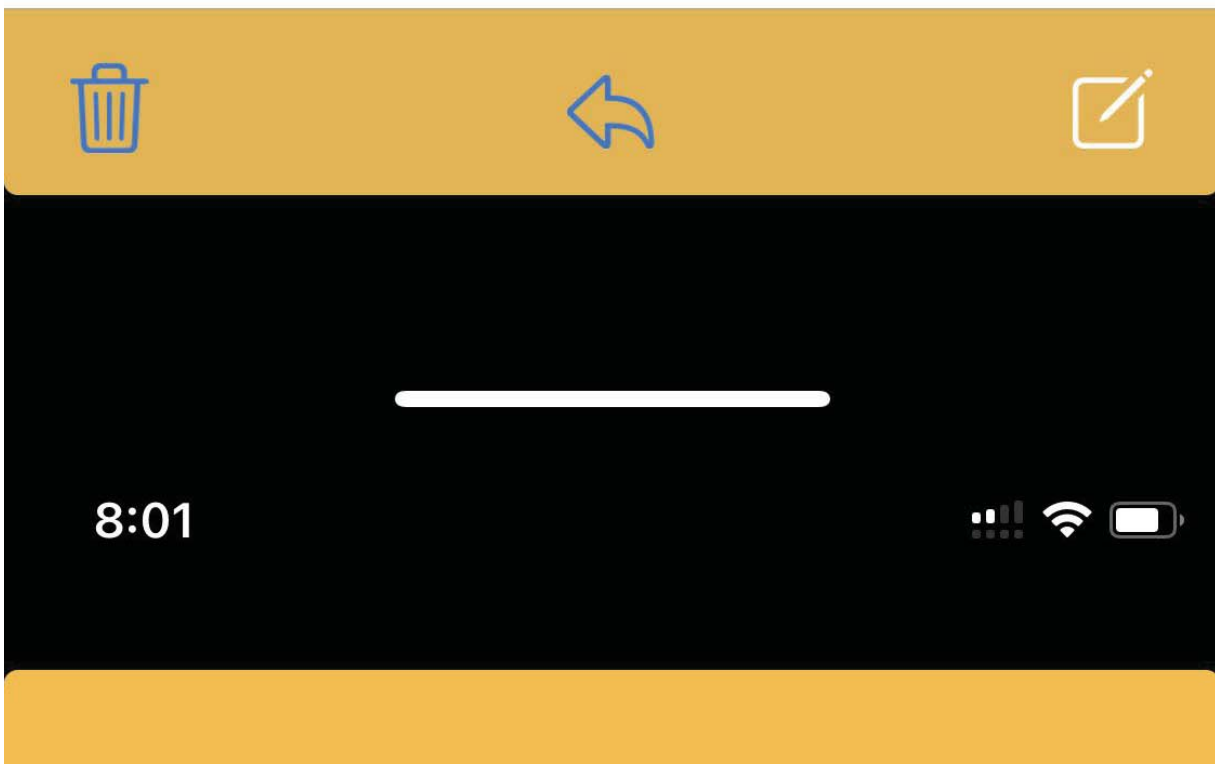
Plaintiff also request a seperate order to Defendants for the purposes of structuring the depositions and that such order require the Defendants:

- 1.) Present themselves to the office of their counsel on the noticed dates and times to an area equipped with a telephone

2.) That no persons aside from the Defendants and their COUNSEL OF RECORD, be present in the room or space where the depositions will be conducted.

3.) That Defense counsel dial the Five Points Correctional Facility at 10:00 a.m. on March 28th and 29th, 2022 referencing this order in order to facilitate the depositions.

The Court's time and attention to this matter is appreciated.



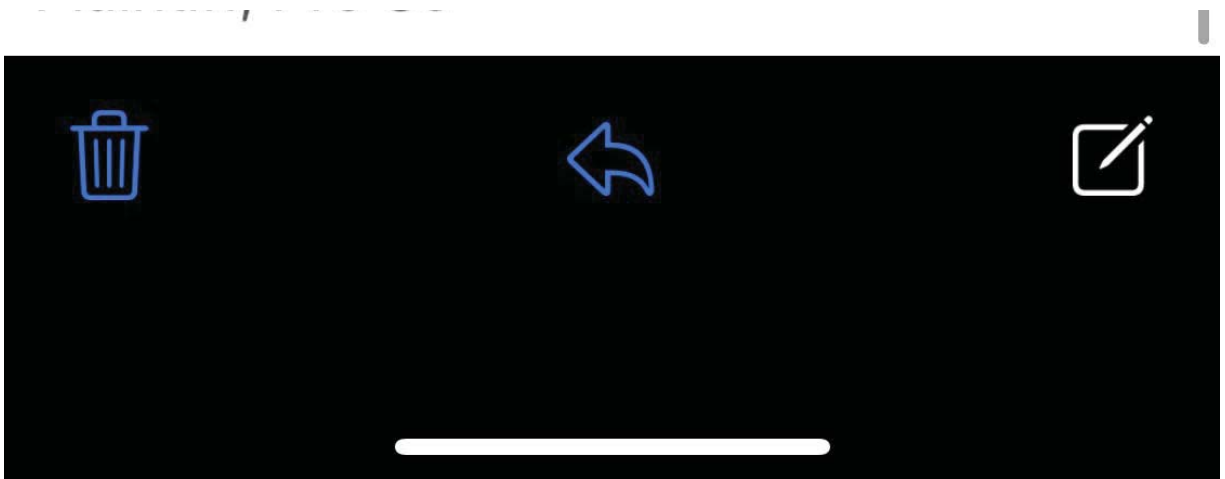
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1 of 4

- 1.) Present themselves to the office of their counsel on the noticed dates and times to an area equipped with a telephone
- 2.) That no persons aside from the Defendants and their COUNSEL OF RECORD, be present in the room or space where the depositions will be conducted.
- 3.) That Defense counsel dial the Five Points Correctional Facility at 10:00 a.m. on March 28th and 29th, 2022 referencing this order in order to facilitate the depositions.

The Court's time and attention to this matter is appreciated.

Respectfully Submitted,  
Sharif King  
Plaintiff. Pro Se



**CAUTION - EXTERNAL EMAIL:** This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.